

BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600

**Case No. A-5730**

**APPEAL OF HARRY PATSALIDES**

OPINION OF THE BOARD  
(Public Hearing Date: 15, 2002)  
(Effective Date of Opinion: June 27, 2002)

Case No. A-5730 is an administrative appeal in which the appellant charges administrative error on the part of the Department of Housing and Community Affairs in the issuance of a Condemnation Notice, dated January 16, 2002, to the owner of the property located at 12817 Georgia Avenue, Silver Spring Maryland.

Pursuant to Section 2-112-(a) of the Montgomery County Code, the Board of Appeals held a public hearing on the appeal on Wednesday, May 15, 2002. Herbert Rubenstein, Esquire appeared on behalf of the Appellant, Harry Patsalides. He called Mr. Patsalides as a witness. Clifford L. Royalty, Esquire appeared on behalf of Montgomery County, Maryland.

Decision of the Board: Administrative Appeal **Dismissed**.

**EVIDENCE PRESENTED**

1. The subject property is Parcel 911, located at 12817 Georgia Avenue, Silver Spring, Maryland, in the R-90 Zone.
2. On January 16, 2002 Joseph T. Giloley, Chief, Division of Housing Code Enforcement, Montgomery County Department of Housing and Community Affairs issued a Condemnation Notice to Harry G. Patsalides [Exhibit No. 7]. The Condemnation Order states that an inspection of the subject property, conducted by Housing Code Field Supervisor Kevin M. Martell, which revealed defective housing conditions.
3. On January 29, 2002, Mr. Patsalides filed an administrative appeal of the issuance of the Condemnation Order.

4. On May 9, 2002 the Board of Appeals received a Memorandum from Kevin M. Martell, stating that the condemnation order had been lifted, and requesting that the administrative appeal be rescinded.

5. At the public hearing Mr. Royalty requested that the Board dismiss Case No. A-5730, arguing that since the condemnation order had been lifted, the appeal was moot.

#### **FINDINGS OF THE BOARD**

The Board finds, based upon Mr. Martell's Memorandum of May 9, 2002, that the condemnation order which was the subject of the administrative appeal in Case No. A-5730, has been lifted. Therefore, the appeal is moot and the case should be dismissed.

On a motion by Allison Ishihara Fultz, seconded by Louise L. Mayer, with Angelo M. Caputo and Donna L. Barron, Vice-Chairman in agreement, and Donald H. Spence, Jr., Chairman necessarily absent, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion state above is adopted as the Resolution required by law as its decision in the above-entitled case.

---

Donna L. Barron  
Vice-Chairman, Montgomery County Board of

Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 27<sup>th</sup> day of June, 2002.

---

Katherine Freeman  
Executive Secretary to the Board

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.